



INTERIOR BOARD OF INDIAN APPEALS

Cornell Daniels v. Sacramento Area Director, Bureau of Indian Affairs

32 IBIA 184 (05/18/1998)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

CORNELL DANIELS,
Appellant

v.

SACRAMENTO AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 98-90-A
:
:
: May 18, 1998

Appellant Cornell Daniels sought review of a March 10, 1998, decision of the Sacramento Area Director, Bureau of Indian Affairs (Area Director; BIA), concerning Appellant's fee-to-trust application covering Parcels 53 and 54 on the Hopland Rancheria. The Area Director's decision held that BIA must follow the procedures set forth in 25 C.F.R. Part 151 in deciding whether or not to approve the application. The Area Director remanded the matter to the Superintendent, Central California Agency, BIA (Superintendent), with instructions to issue a decision under Part 151 within 10 working days of receipt of a title opinion from the Department's Office of the Solicitor.

Appellant appealed this decision to the Board. On April 14, 1998, the Board authorized the Superintendent to continue to address this application under Part 151 during the pendency of this appeal.

The Board received a copy of a May 6, 1998, Notice of Proposed Decision signed by the Superintendent. The Superintendent stated that he proposed to accept the grant deed conveying the property to the United States in trust for Appellant.

On May 15, 1998, the Board received a filing from Appellant entitled "Voluntary Dismissal of Appeal without Prejudice." Appellant states that he wishes to have this appeal dismissed without prejudice on the basis of the Notice of Proposed Decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Sacramento Area Director's March 10, 1998, decision is docketed and dismissed without prejudice.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge